

Senate File 221 - Introduced

SENATE FILE 221
BY LOFGREN

A BILL FOR

1 An Act relating to preservation of interests and claims in real
2 estate and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 614.17A, Code 2019, is amended to read
2 as follows:

3 **614.17A Claims to real estate after 1992.**

4 1. As used in this section, unless the context otherwise
5 requires:

6 a. "Arose or first existed" means the date an instrument
7 creating an interest or claim in real estate is recorded and
8 not the date the interest or claim vests, becomes possessory,
9 or becomes actionable.

10 b. "Possessory interest in" or "possessory claim to" means
11 an interest or claim that may, now or in the future, divest
12 a current record titleholder and possessor of real estate of
13 ownership and possession of the real estate or of a fractional
14 interest of the record title holder's ownership and possession
15 of the real estate.

16 ~~1.~~ 2. After July 1, 1992, an An action shall not be
17 maintained in a court, either at law or in equity, ~~in order~~ to
18 recover or establish ~~an~~ a possessory interest in or possessory
19 claim to real estate if all the following conditions are
20 satisfied:

21 a. The action is based upon an interest or a claim arising
22 that arose or first existed more than ten years earlier or
23 existing for more than ten years.

24 b. The action is against the holder of the record title to
25 titleholder of the real estate and the record titleholder is in
26 possession of the real estate.

27 c. The holder of the record title to titleholder in
28 possession of the real estate in possession and the holder's
29 record titleholder's immediate or remote grantors are shown by
30 the record to have held an unbroken chain of title to the real
31 estate for more than ten years.

32 ~~2.~~ 3. a. The To preserve a claim to recover or establish
33 a possessory interest in or possessory claim to real estate a
34 claimant, within ten years of the date on which the claim arose
35 or first existed, must file with the county recorder in the

1 county where the real estate is located a written statement
 2 which is duly acknowledged and definitely describes the real
 3 estate involved, the nature and extent of the right of interest
 4 claimed, and the facts upon which the claim is based. The
 5 claimant must file the statement in person or by the claimant's
 6 attorney or agent. If the claimant is a minor or under a legal
 7 disability, the statement must be filed by the claimant's
 8 guardian, trustee, or ~~by either parent.~~

9 ~~b. The filing of a claim shall extend for a further period~~
 10 ~~of ten years the time within which such action may be brought~~
 11 ~~by any person entitled to bring the claim. The person may file~~
 12 ~~extensions for successive claims. To continue to preserve~~
 13 a claim to recover or establish a possessory interest in or
 14 possessory claim to real estate for an additional ten-year
 15 period, a claimant must file a written statement pursuant to
 16 paragraph "a" on or before ten years after the filing date of
 17 the original written statement. A claimant may file successive
 18 written statements prior to the expiration of the preceding
 19 ten-year extension period in order to continue to preserve such
 20 claim.

21 4. This section shall not apply to:

22 a. An interest in or claim to real estate that is preserved
 23 pursuant to section 614.36.

24 b. An action to recover or establish an interest in or
 25 claim to real estate based on a reversionary interest, reverted
 26 interest, or interest in a use restriction barred by sections
 27 614.24 through 614.28.

28 c. An action by a party that has granted a right of first
 29 refusal if such party is still the record titleholder and in
 30 possession of the real estate.

31 ~~3-~~ 5. Nothing in this section shall be construed to revive
 32 any cause of action barred by section 614.17.

33 6. Nothing in this section shall be construed to bar an
 34 action for damages for breach of a contract regarding an
 35 interest in or claim to real estate.

1 Sec. 2. APPLICABILITY. This Act shall not apply to actions
2 filed on or before the effective date of this Act.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 This bill relates to preservation of interests in and claims
7 to real estate.

8 Under current law, if any claimed interest in real estate
9 arose more than 10 years earlier, or has been in existence
10 for more than 10 years, is against a record titleholder in
11 possession of the property with an unbroken chain of title
12 for more than 10 years, an action to establish the interest
13 is barred unless the claimant has filed a written statement
14 of the claim within 10 years from the date the interest arose
15 or first came into existence. The bill defines "arose or
16 first existed" as the date an instrument creating an interest
17 in real estate is recorded and not the date the interest
18 vests, becomes possessory, or becomes actionable. Filing the
19 statement extends the time for bringing an action for another
20 10 years and a claimant may file for successive extensions of
21 the 10-year period.

22 The bill makes the requirement to file a statement
23 applicable only to a possessory interest in or possessory claim
24 to real estate. The bill defines "a possessory interest in"
25 or "possessory claim to" as an interest or claim that may,
26 now or in the future, divest a current record titleholder and
27 possessor of real estate of ownership and possession of the
28 real estate, or of a fractional interest of the record title
29 holder's ownership and possession of the real estate.

30 The bill provides that the requirement does not apply to an
31 interest or claim by a lessor, reversioner, or to easements
32 that are preserved pursuant to Code section 614.36. An
33 action to recover or establish an interest based on a claimed
34 reversionary interest, reverted interest, or interest in
35 use restriction is also not subject to the statement filing

1 requirement.

2 The bill provides that the Code section does not apply to
3 an action by a party that has granted a right of first refusal
4 in real estate if such party is still the record titleholder
5 and in possession of the real estate. The bill does not bar
6 an action for damages for breach of a contract regarding an
7 interest in real estate.

8 The bill does not apply to actions filed on or before the
9 effective date of the bill.